

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

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| In the Matter of |) | |
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| Application of Qwest Communications |) | WC Docket No. 02-189 |
| International Inc. for Authorization to Provide |) | |
| In-Region InterLATA Service in Montana, Utah, |) | |
| Washington and Wyoming |) | |

**CONSULTATIVE REPORT OF THE
PUBLIC SERVICE COMMISSION OF UTAH**

Qwest Communications International Inc. has applied to the Federal Communications Commission (“FCC or Commission”) for authorization to provide in-region, interLATA service in Utah. The purpose of this report is to meet the requirement of 47 U.S.C. § 271(d)(2)(B) that the FCC “consult with the State commission of any State that is the subject of the application in order to verify the compliance of the Bell operating company with” the requirements of section 271.

The Utah Commission believes that on the basis of the record before us, Qwest Corporation (“Qwest”), the subsidiary of Qwest Communications International Inc., has met the requirements of Section 271(c)(1)(A) and (B), the requirements of the 14-point competitive checklist, the public interest standard, and the Section 272 requirements. In each step in our process, intervening parties – including competitive local exchange carriers (“CLECs”) – had opportunities to participate, to present evidence, to comment, and to advocate their positions.

With respect to the issues of compliance with the 14-point competitive checklist, Track A, public interest, section 272, and general terms and conditions of Qwest’s SGAT, we joined

with the Idaho Public Utilities Commission, Iowa Utilities Board, Montana Public Service Commission, New Mexico Public Regulation Commission, North Dakota Public Service Commission, and Wyoming Public Service Commission in a seven-state collaborative workshop process. The participating state commissions retained Mr. John Antonuk of The Liberty Consulting Group (“Liberty”) to act as Facilitator of the multi-state proceedings.

In August 2000, we joined in another multi-state effort known as the Regional Oversight Committee (“ROC”) Post-Entry Performance Plan (“PEPP”) collaborative process. This was an effort designed to resolve as many issues as possible relating to Qwest’s PAP. This initial effort concluded in May 2001 without reaching an acceptable plan. complete consensus. Maxim Telecom Group (“MTG”), which had been selected by the ROC to manage the collaborative, filed a report with all states indicating all issues on which consensus had been reached and describing issues still at impasse. A multi-state process on the PAP was re-initiated in August 2001. This process included the state commissions involved in the seven-state checklist process described above, plus the Nebraska Public Service Commission and Washington Utilities and Transportation Commission. The Facilitator was asked to conduct this nine-state collaborative process.

Under the Facilitator’s guidance, the collaborative workshops provided a forum for participating state commission staffs, Qwest, intervening CLECs, and other interested parties to develop a full evidentiary record to assist the participating state commissions in fulfilling their consultative role with the Commission under the Act. He was charged with conducting workshops and establishing a record for filing in each state. In Utah, he was charged with assisting the Utah Staff, which consisted of our advisory staff and the Division of Public Utilities for purposes of our section 271 and SGAT dockets, in issuing reports of each workshop

identifying issues on which consensus was reached and recommending resolution of issues at impasse. The Utah Staff ultimately issued seven reports:

1. Staff Report on Checklist Items 3, 7, 8, 9, 10, and 12: March 19, 2001.
2. Staff Report on Checklist Items 1, 11, 13, and 14: May 15, 2001.
3. Staff Report on Emerging Services: June 11, 2001.
4. Staff Report on Checklist Item 2 (Unbundled Network Elements), Checklist Item 4 (Access to Unbundled Loops), Checklist Item 5 (Access to Unbundled Local Transport), and Checklist Item 6 (Access to Unbundled Local Switching): August 20, 2001.
5. Staff Report on Group 5 Issues: General Terms and Conditions, Section 272, and Track A: September 21, 2001.
6. Staff Report on Public Interest: October 26, 2001.
7. Staff Report on the Qwest Post Entry Assurance Plan (QPAP): October 26, 2001.

In our July 26, 2000 Procedural Order, we determined that, following the issuance of each Staff Report, any interested party could respond to that report within ten days of its filing. Many parties did so. We then reviewed the record, the report filed by the Staff, and the post-report filings of the parties before issuing an order or report on the issues raised in each Staff Report. On a few issues, Where we felt it necessary we requested further information from the parties before issuing a decision. We also participated in a thirteen-state collaborative effort through the ROC to evaluate access to Qwest's OSS. MTG, KPMG Consulting, Inc. ("KPMG") and Hewlett-Packard Consulting ("HP") were hired by the ROC to conduct the test of Qwest's OSS. Prior to commencement of the test, a collaborative process involving regulators from the 13 states, Qwest, CLECs and other interested parties, was commenced to develop a master test plan and to establish performance indicator definitions ("PIDs"). These PIDs were utilized in the PEPP collaborative as well as in the OSS test. The consultants issued a final report, the culmination of a collaborative effort spanning two and a half years, on May 28, 2002. Information about the ROC OSS collaborative,

including the final report, can be accessed at <http://www.nrri.ohio-state.edu/oss/oss.htm>. We held a technical conference at which MTG and KPMG participated on May 1, 2002, to review the OSS test following issuance of the draft final report. In addition to the results of the OSS test, Qwest's Change Management Process ("CMP") and Stand Alone Test Environment ("SATE") were reviewed in this conference.

Qwest filed reports of its actual performance in providing interconnection and collocation to CLECs in Utah covering the period from July 2000 through April 2002. We held three technical conferences on Qwest's actual performance data: September 17, 2001, October 24, 2001 and April 30, 2002. During this process, two audits of Qwest's performance data were conducted by Liberty. Reports of those audits were reviewed in the technical conferences, and a representative of Liberty participated in the April 30, 2002 technical conference.

Qwest filed its initial SGAT on June 9, 2000. In our Joint Procedural Order issued jointly in our section 271 and SGAT dockets, we required Qwest to file a revised SGAT within 15 days of our issuance of our order or report and required that any party objecting on the basis that the revisions did not comply with our order or report file its objection within 15 days thereafter. Qwest filed revised SGATs on July 10, 2001, October 3, 2001, December 7, 2001, February 12, 2002, and April 10, 2002. Following the closing technical conference discussed below, Qwest filed a sixth revised SGAT on July 2, 2002. No party objected to any revised SGAT except with respect to two issues, which are discussed and resolved in our Final Order.

We held a closing technical conference on July 1, 2002. During the closing technical conference, parties were allowed to raise any objections or concerns regarding Qwest's compliance with its obligations under sections 271 and 272. The Utah Commission also raised other issues and allowed all parties and Staff to comment on them.

Throughout this process we issued several orders or reports establishing procedures and resolving contested issues. The following is a list of our major orders and reports:

1. Procedural Order issued July 26, 2000.
2. Order [Checklist Items 3, 7, 8, 9, 10, and 12] issued May 25, 2001.
3. Joint Procedural Order [in our section 271 and SGAT dockets] issued September 5, 2001.
4. Order [Checklist Items 1, 11, 13 and 14; Emerging Services and Checklist Item 3 followup] issued September 18, 2001.
5. Order [granting reconsideration of a Checklist Item 1 issue and denying reconsideration of Checklist Item 13 issue from September 18, 2001 Order] issued October 24, 2001.
6. Report and Order [General Terms and Conditions of the SGAT] issued January 28, 2002.
7. Report on the Public Interest issued February 20, 2002.
8. Report on Track A issued March 12, 2002.
9. Report on Checklist Item 2 (Access to Unbundled Network Elements), Checklist Item 4 (Access to Unbundled Loops), Checklist Item 5 (Access to Unbundled Local Transport), and Checklist Item 6 (Access to Unbundled Local Switching) issued March 25, 2002.
10. Order [affirming decision on which reconsideration was granted on September 18, 2001 Order and Checklist Item 3 followup] issued April 26, 2002.
11. Order on Performance Assurance Plan issued June 18, 2002.
12. Final Order Regarding Qwest § 271 Compliance issued July 8, 2002 ("Final Order").

In the Final Order, we concluded:

The Commission issued its report on Track A requirements on March 12, 2002, concluding that Qwest complies with the four Track A requirements in 47 U.S.C. § 271(c)(1)(A).

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Based on the foregoing, the Commission concludes that Qwest has qualifying interconnection agreements, an appropriate Statement of Generally

Available Terms and Conditions, and meets the obligations of the 14-point competitive checklist.

Based on the record before the Commission we find that Qwest meets the legal requirements for its affiliates that 47 U.S.C. § 272 imposes.

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With the resolutions contained in this Order, and Qwest's recent compliance filings for the PAP, and prices for various UNEs, the Commission finds that the conditions set for a positive finding on public interest have been satisfied.

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On the basis of the record before us, the Commission concludes that Qwest has met the requirements of Section 271(c)(1)(A) and (B), the requirements of the 14-point competitive checklist, the public interest standard, and the Section 272 requirements.

DATED at Salt Lake City, Utah,

August 1, 2002.

Stephen F. Mecham, Chairman

Constance B. White, Commissioner

Richard M. Campbell,

Commissioner

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